IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1163 OF 2007

Vasant Khashaba Patil
(Shejwal) and Others .. Petitioners.
Vs.
Murarji Atmaram Patil .. Respondent.

None for the petitioner.
Mr.Rajesh N.Kochare for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 5TH JULY, 2007.

P.C.:

. None for the petitioner. Heard Mr.Kochare, learned counsel for the respondent.

2. The petitioner by this writ petition has impugned an order dated 18.10.2006 passed on the application at Exhibit-18 in R.C.S.No.140 of 2005 by which the said application has been rejected. The application was filed for setting aside "No W.S." order. There was a delay of seven months for seeking to set aside the "No W.S." order. Prima facie I find no fault with the impugned order. However, keeping the overall facts and circumstances of the case in view and in interest of justice the application at Exhibit-18 deserves to be allowed hence I pass the following order:

. The impugned order dated 18.10.2006 is quashed and set aside. The application at Exhibit-18 is allowed and "No W.S." order is set aside on payment of cost of Rs.3,000/- which this court had directed to deposit while issuing notice to the respondent vide order dated 23.2.2007. The respondents shall have liberty to withdraw this amount unconditionally. The written statement, which I am informed, has already been placed on record be taken on file. Ad-interim relief stands vacated. The trial Court shall proceed with hearing of the suit in accordance with law. The petition is disposed of.

(D.B.BHOSALE, J.)